

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

ADRIANNA MARIE ROSE,

Plaintiff,

v.

CAROLYN W. COLVIN, Acting
Commissioner of the Social Security
Administration,

Defendant.

CASE NO. 14-cv-05378 BHS JRC

REPORT AND RECOMMENDATION
ON STIPULATED MOTION FOR
REMAND

This matter has been referred to Magistrate Judge J. Richard Creatura pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Magistrates Rule MJR 4(a)(4), and as authorized by *Mathews, Secretary of H.E.W. v. Weber*, 423 U.S. 261 (1976). This matter is before the Court on defendant's stipulated motion to remand the matter to the administration for further consideration. (ECF No. 20.)

After reviewing defendant's stipulated motion and the relevant record, the undersigned recommends that the Court grant defendant's motion, and reverse and remand this matter to the Acting Commissioner for further proceedings in regard to Plaintiff's applications for disability benefits pursuant to the Social Security Act. On remand, an administrative law judge ("ALJ") shall update the record, hold a *de novo* hearing, and issue a new decision.

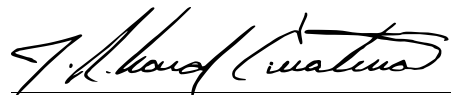
1 The parties agree that remand is warranted because the ALJ did not conduct a proper
2 credibility analysis and did not properly evaluate a treating source opinion.

3 On remand, the ALJ shall: (1) update the treatment evidence on Plaintiff's medical
4 condition; (2) articulate how he has evaluated the credibility of Plaintiff's subjective complaints
5 regarding her need to use a cane outside of her home and her testimony that she has to lie down
6 repeatedly in an 8-hour period, using a blocking device to relieve back pain; (3) evaluate
7 expressly the treating medical source opinion regarding the November 2013 MRI and explain the
8 reasons for the weight he gives to this opinion evidence; (4) consider further Plaintiff's residual
9 functional capacity on the updated record, citing specific evidence in support of the assessed
10 limitations; (5) consider further whether or not Plaintiff has past relevant work she could perform
11 with the limitations established by the evidence; and (6) as appropriate, secure supplemental
12 evidence from a vocational expert to clarify the effect of the assessed limitations on Plaintiff's
13 occupational base.

14 The parties have stipulated that Plaintiff will be entitled to reasonable attorney's fees and
15 costs pursuant to 28 U.S.C. § 2412(d), following proper request to this Court.

16 Given the facts and the parties' stipulation, the Court recommends that the District Judge
17 immediately approve this Report and Recommendation and order the case be **REVERSED** and
18 **REMANDED** pursuant to sentence four of 42 U.S.C. § 405(g) for further proceedings
19 consistent with this Report and Recommendation.

20 Dated this 3rd day of October, 2014.

21
22 

23 J. Richard Creatura
24 United States Magistrate Judge